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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/453,934	05/17/2000	Tetsuro Motoyama	5244-0121-2	7299
22850	7590	03/27/2006	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EL HADY, NABIL M	
			ART UNIT	PAPER NUMBER
			2152	

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/453,934	MOTOYAMA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Nabil M. El-Hady	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. Claims 1-20 are pending in this application.
2. After further consideration, the indicated allowability of claims 1-20 in a previous office action is withdrawn in view of the newly discovered reference(s). Rejections based on the newly cited reference(s) follow.
3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motoyama (US 5,818,603) in view of Jou et al (US 5,864,559), hereinafter "Jou".
4. As to claim 18, Motoyama discloses a computer-implemented method for causing a computer to control a protocol used for data communication to a remote receiver (col. 1, lines 40-45), the method comprising providing plural communications protocols capable of transferring data (col. 1, lines 46-52); selecting a first protocol of the plural communications protocols to transfer data between the remote receiver and at least one of a device, an appliance, an application and an application unit (col. 1, lines 60-65); selecting a second protocol of the plural communications protocols to transfer data between the remote receiver and the at least one of a device, an appliance, an application and an application unit (col. 1, lines 60-65); collecting events at the at least one of a device, an appliance, an application and an application unit (col. 4, lines 45-52).
5. Motoyama does not explicitly disclose performing a first attempt to transfer the collected events between the remote receiver and the at least one of a device, an appliance, an application and an application unit using the first protocol; and performing a second attempt to transfer the collected events between the remote receiver and the at least one of a device, an

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appliance, an application and an application unit using the second protocol after the first attempt. However, the concept of self-reconfiguration to use one of a variety or pre-programmed protocols is not new in the art. Jou, for example, discloses performing a first attempt to transfer the collected events between the remote receiver and the at least one of a device, an appliance, an application and an application unit using the first protocol; and performing a second attempt to transfer the collected events between the remote receiver and the at least one of a device, an appliance, an application and an application unit using the second protocol after the first attempt (abstract, col. 1, line 52 to col. 2, line 6). It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Motoyama and Jou because Jou's self configuration would allow transparent communication between the remote receiver and at least one of a device, an appliance, an application and an application unit of Motoyama without user interference (see, for example, Jou, col. 1, lines 45-49).

6. As to claim 19, the claim is rejected for the same reasons as claim 18 above. In addition, Motoyama discloses the use and selection from different formats (col. 1, lines 52-57; and col. 8, lines 39-45).

7. As to claims 1 and 8, the claims are rejected for the same reasons as claims 18 and 19 above. In addition, the plurality of code devices and their function are obvious in Motoyama and Jou' disclosures.

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8. As to claims 2, 3, 9, and 10, Motoyama discloses a library of code shared between first and second applications and a dynamically linked library of code shared between first and second applications (database 28, Fig. 1).

9. As to claims 4 and 5, Motoyama discloses the plural communications protocols comprise at least one of (1) a store and forward protocol and (2) a direct connection protocol, a simple mail transfer protocol and (2) at least one of (a) a file transfer protocol and (b) a hypertext transfer protocol (col. 7, lines 4-22).

10. As to claims 6, 7, 13, and 14, Jou discloses self-configuration by using one protocol and switching to another protocol. It would have been obvious to one skilled in the art at the time of the invention to use Jou's disclosure when transmission failure is detected before transferring the collected events using the second protocol and /or using the second protocol in order to increase redundancy.

11. As to claims 11 and 12, Motoyama discloses a plural communications formats (col. 1, lines 52-57; and col. 8, lines 39-45) which obviously may comprise of binary, text, hypertext markup language (HTMQ, and extended markup language (XML), or compressed format.

12. As to claims 15-17, the claims are rejected for the same reasons as claims 1, 8, 18, and 19 above. In addition, it is obvious that different protocol may work with more than one format.

13. As to claim 20, the claim is rejected for the same reasons as claims 1 and 19 above.

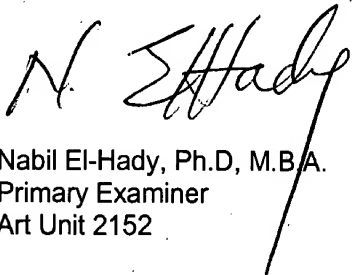
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14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nabil M. El-Hady whose telephone number is (571) 272-3963. The examiner can normally be reached on 9:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

March 20, 2006

  
Nabil El-Hady, Ph.D, M.B.A.  
Primary Examiner  
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